
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Mark Falk

v. :

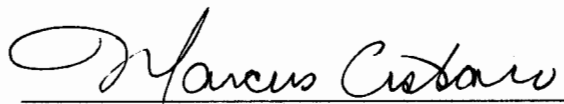
JOSE MELVIN ORDONEZ-PINEDA, : Magistrate No. 17-3573 (MF)
a/k/a "Jose Melvin Ordonez Pineda," :
a/k/a "Jose Fernandez Flores," :
a/k/a "Jose Ordonez Pineda," :
a/k/a "Jose Fernandez" : **CRIMINAL COMPLAINT**

I, Marcus A. Cistaro, the undersigned complainant being duly sworn,
state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Deportation Officer with the United States
Department of Homeland Security, Immigrations and Customs Enforcement,
and that this complaint is based on the following facts:


SEE ATTACHMENT B



Marcus A. Cistaro
Deportation Officer
Immigration and Customs Enforcement
U.S. Department of Homeland Security

Sworn to before me and subscribed in my presence,
May 11, 2017 Newark, New Jersey

HONORABLE MARK FALK
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

On or about March 27, 2017, in Essex County, in the District of New Jersey, and elsewhere, the defendant,

JOSE MELVIN ORDONEZ-PINEDA,
a/k/a "Jose Melvin Ordonez Pineda,"
a/k/a "Jose Fernandez Flores,"
a/k/a "Jose Ordonez Pineda,"
a/k/a Jose Fernandez,"

being an alien, and on or about December 28, 2010, having been deported and removed and departed from the United States while an order of deportation was outstanding, did knowingly and voluntarily enter, attempt to enter, and was found in the United States without the Attorney General expressly consenting to the defendant's re-applying for admission to the United States prior to his re-embarkation at a place outside the United States.

In violation of Title 8, United States Code, Section 1326(a) and Section 2.

ATTACHMENT B

I, Marcus A. Cistaro, am a Deportation Officer with the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"). I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and items of evidence. Where statements of others are related herein, they are related in substance and part. Because this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. The defendant, JOSE MELVIN ORDONEZ-PINEDA, a/k/a "Jose Melvin Ordóñez Pineda," a/k/a "Jose Fernandez Flores," a/k/a "Jose Ordóñez Pineda," a/k/a "Jose Fernandez," ("ORDONEZ-PINEDA"), is a citizen of Honduras, and he neither is a citizen nor a national of the United States.

2. On or about June 11, 2008, ORDONEZ-PINEDA was arrested by the United States Border Patrol for illegally entering the United States. ORDONEZ-PINEDA was detained and was subsequently released on his own recognizance on or about October 29, 2008.

3. On or about July 28, 2009, ORDONEZ-PINEDA was ordered removed from the United States to Honduras by an Immigration Judge sitting in Philadelphia, Pennsylvania.

4. On or about December 28, 2010, ORDONEZ-PINEDA was removed from the United States (the "December 28 Removal"). Shortly before ORDONEZ-PINEDA's December 28 Removal from the United States, an official from ICE took a fingerprint from ORDONEZ-PINEDA.

5. At some point after his December 28 Removal, ORDONEZ-PINEDA re-entered the United States without permission from the Attorney General.

6. On or about September 28, 2013, ORDONEZ-PINEDA was arrested in Ocean County, New Jersey, for Unlawful Possession of a Weapon, in violation of Section 2C:39-5(b) of the New Jersey Code of Criminal Justice; for Obstructing the Administration of Law and Other Governmental Function, in violation of Section 2C:29-1 of the New Jersey Code of Criminal Justice; and for Resisting Arrest, in violation of Section 2C:29-1(a)(1) of the New Jersey Code of Criminal Justice.

7. On or about December 10, 2014, ORDONEZ-PINEDA pled guilty in the Superior Court of New Jersey, Ocean County, New Jersey, to Unlawful Possession of a Weapon in the Second Degree, in violation of Section 2C:39-5(b)

of the New Jersey Code of Criminal Justice, and was subsequently sentenced on this charge to seven years' imprisonment.

8. On or about March 27, 2017, ORDONEZ-PINEDA entered into the custody of ICE in New Jersey.

9. A fingerprint taken from ORDONEZ-PINEDA from his deportation records for the December 28 Removal was compared to ORDONEZ-PINEDA's fingerprint that was taken on or about March 27, 2017 after he entered ICE's custody. Both the fingerprints were found to be identical.

10. Prior to ORDONEZ-PINEDA's re-entry into the United States, the Attorney General did not consent to ORDONEZ-PINEDA re-entering the United States. ORDONEZ-PINEDA also did not receive a waiver allowing him to re-enter the United States.